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FOLEY & LARDNER
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In re Application of :
RETTELNMAEIR, Josef, Otto :
U.S. Application No.: 09/380,739 :
PCT No.: PCT/DE98/00589 :
International Filing Date: 28 February 1998 :
Priority Date: 11 March 1997 :
Attorney's Docket No.: 017309/0172 :
For: LAUNDRY DETERGENT COMPACT :
WHICH DISINTEGRATES IN LIQUID :

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.48(a)

On 20 September 2000, this Office mailed a decision dismissing applicants' "Petition Under 37 CFR 1.48(a)" for failure to satisfy all the requirements of a grantable petition. Specifically, applicant failed to provide the written consent of the assignee in compliance with 37 CFR 3.73(b).

On 15 November 2000, applicants submitted the "Renewed Petition Under 37 CFR 1.48(a)" considered herein. The renewed petition was accompanied by an executed Assignment and an assignment cover sheet. The renewed petition is signed by applicants' counsel.

37 CFR 3.73 requires submission of a statement establishing ownership by the assignee, and it states that "[t]he submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee." Section 324 of the MPEP, which discusses who may execute the statement under 37 CFR 3.73, states the following:

A power of attorney from the inventors in an organization to the practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the submission on behalf of the assignee.

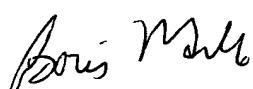
The submission establishing ownership, i.e., the renewed petition and accompanying assignment, is signed by applicants' counsel. Evidence that counsel is "a party authorized to act on behalf of the assignee" has not been submitted, and, accordingly, the submission fails to satisfy the requirements of 37 CFR 3.73. The previously submitted consent statements executed by authorized officers of the assignees also fail to satisfy this requirement in that they do not specifically refer to the Assignment document here (see form PTO/SB/96).

Based on the above, applicants have failed to satisfy the requirement that they provide "the written consent of the assignee in compliance with 37 CFR 3.73(b)." Accordingly, the renewed petition is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.48(a)." No additional petition fee is required. Failure to file a timely and proper response will result in abandonment of the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Boris Milef
PCT Legal Examiner
PCT Legal Office

RMR/BM:rnr



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459